

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH HERRERA-ANTIGUA,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

~~PROPOSED ORDER TO~~
**UNSEAL VIDEO
SURVEILLANCE FOOTAGE
PROTECTED BY N.Y. C.P.L.
§§ 160.50 AND/OR 160.55
AND N.Y. FAMILY COURT
ACT §375.1**

24 Civ. 4636 (JGLC)

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WHEREAS, pursuant to Rule 26 of the Federal Rules of Civil Procedure, defendants City, Smith, Cortes-Sanon, Philpot, and Tejada seek to produce certain video surveillance footage from the New York City Administration of Children’s Services (“ACS”) facilities of Crossroads and Horizons, which detain minor residents, from July 19, 2021, October 2, 2021, November 19, 2021, December 15, 2021, December 22, 2021, December 29, 2021, and February 22, 2022 depicting incidents alleged in the Second Amended Complaint;

WHEREAS, upon information and belief, such video footage portray the faces of non-parties, including minor residents, whose arrest records and subsequent incarceration may be sealed and protected from disclosure pursuant to New York Criminal Procedure Law §§ 160.50 and/or 160.55, as well as New York Family Court Act § 375.1;

WHEREAS, the video footage sought is material and relevant to the above-captioned civil action currently pending in the Southern District of New York; and

WHEREAS, the Court has the inherent authority to unseal this video footage in connection with this action, *see, e.g., Schomburg v. Bologna*, 298 F.R.D. 138, 141 (S.D.N.Y. 2014) (“Federal courts can and commonly do order production of documents sealed under Section 160.50”).

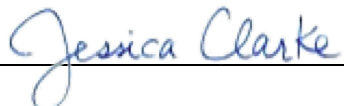
IT IS HEREBY ORDERED that video surveillance footage from the ACS facilities of Crossroads and Horizons, from July 19, 2021, October 2, 2021, November 19, 2021, December 15, 2021, December 22, 2021, December 29, 2021, and February 22, 2022, depicting incidents alleged in the Second Amended Complaint, which portray the faces of non-parties, including minor residents, whose arrest records and subsequent incarceration may be sealed and protected from disclosure pursuant to New York Criminal Procedure Law (“CPL”) §§ 160.50 and 160.55 and New York Family Court Act Section§ 375.1, are unsealed and may be made available for use in this civil action; and

IT IS FURTHER ORDERED that any such video surveillance footage unsealed as a result of this Order shall be deemed Confidential and used only for the purposes of prosecuting and defending plaintiff’s claims in this civil suit.

SO ORDERED.

Dated: February 24, 2025

New York, New York



HON. JESSICA G. L. CLARKE
UNITED STATES DISTRICT JUDGE